

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ISELA M. MALDONADO,

Plaintiff,

v.

COLUMBIA VALLEY EMERGENCY  
PHYSICIANS, LLC, et al.,

Defendants.

CASE NO. C20-5428-BHS-TLF

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge. Dkt. 40. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Defendants’ motion to dismiss or to strike class allegations (Dkt. 26) is **GRANTED IN PART and DENIED IN PART**;

- 1 (3) Plaintiff's claims for negligence, common law procedural unconscionability  
2 and common law substantive unconscionability are **dismissed**; Plaintiff's  
3 claim for breach of implied contract is **not dismissed**; and  
4 (4) Defendants' motion to strike class action allegations is **DENIED** without  
5 prejudice.

6 Dated this 9th day of September, 2020.

7  
8 

9 BENJAMIN H. SETTLE  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22